IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 20240 of 2004**

Between:

Madarasa-E-AI-AIDROOS Society, represented by its President Mubarak Bin Abood, S/o Abood Bin Mohammad, Aged about 48 years, R/o Pahadi Shareef Village, Saroornagar Mandal, Ranga Reddy District.

**..... PETITIONER**

AND

1. The Mandal Revenue Officer, Saroornagar, R.R. District.
2. The Gram Panchayat, represented by its village Secretary, Pahadi Shareef, Saroornagar Mandal, Ranga Reddy District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring the action of the 1st respondent, in trying to demolish the Masjid (Mosque), Khanka and Aidroos Public School, (which are part and parcel of the Masjid) situated in H.No. 6-48/1, in Survey No. 19/1, at Pahadishareef Village, Saroornagar Mandal, R.R. District, without there being any notice and opportunity of being beared to the petitioner society, as illegal, arbitrary and all cannons of Principles of natural justice add fair play and equity apart from violative of Article 26 & 300-A of the constitution of India, and consequently, direct the 1st respondent not to interfere with the peaceful possession and enjoyment of the Masjid (Mosque) Khanka and Aidroos public school, (which are part and parcel of the Masjid) situated in H.No.6-48/1, in Sy.No.19/1, at Pahadishareef village, Saroornagar Mandal, R.R. district, belongs to the petitioner society.

**Counsel for the Petitioner:MR.SITA RAM CHAPARLA**

**Counsel for the Respondents : GP FOR REVENUE**

**The Court, at the stage of admission, made the following :**

**ORDER:**

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue. At their request, the writ petition itself is taken up for final disposal at the stage of admission.

The petitioner claims to be in possession of some extent of property in Sy.No.19/1, wherein the petitioner had undertaken renovation of the Masjid; established a Public School for imparting Urdu education to the Muslim Community, and constructed a Khanka (where all persons in large number render prayers), and the said property was allotted with H.No.6-48/1. At that stage, the 1st respondent-Mandal Revenue Officer visited the site and demarcated the area for demolition without issuing any notice, and threatened the petitioner that they would evict him from the property in question, without following the due process of law. Hence, this writ petition

Learned counsel for the petitioner contends that the members of the petitioner-Society are proceeding with the construction in the land belonging to them and the respondents have no right to evict them without following the due process of law.

On the other hand, learned Government Pleader contends that adjacent to the petitioner's survey number, there existed a Government land and that the petitioner is encroaching into the said land, which was demarcated for demolition.

In view of the contention of the learned Government Pleader, if the respondents feel that any encroachment is made by the petitioner, it is always open for them to issue notice for due eviction of the petitioner, and they can also prevent from making any constructions in the land belonging to the Government by notifying the same to the petitioner. If the petitioner feels aggrieved by the same, he can approach the civil court seeking appropriate relief.

Subject to the above observation, the writ petition is disposed of. No order as to costs.

04-11-2004

GJ

To

1. The Mandal Revenue Officer, Saroornagar, R.R. District.

2. The Village Secretary, Gram Panchayat, Pahadi Shareef, Saroornagar Mandal, Ranga Reddy District.

3. Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad(OUT)

4. Two C.D. copies.